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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,435	03/29/1999	FRANK OCTAAF VAN DER PUTTEN	902-578-2	5737

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EXAMINER

WILLIAMS, DEMETRIA A

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 11/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/280,435

Applicant(s)

VAN DER PUTEN ET AL.

Examiner

Demetria A. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 39 and 40 is/are allowed.
- 6) ☒ Claim(s) 12-27, 30-34, and 36-38 is/are rejected.
- 7) ☒ Claim(s) 28, 29 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The finality of the previous office action dated September 20, 2002 has been withdrawn in response to applicant's request for reconsideration filed October 17, 2002. New grounds of rejection are set forth below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 12, 14, 16, 17, 19, 21, 22, 24, 26, 27, 30, 32-34, 36, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Fraser.

Regarding claim 12, Fraser discloses a method for realizing synchronization in a receiver comprising generating and sending a trigger signal from the receiver to the transmitter indicating that the receiver is ready to receive data and the transmitter is allowed to send data (see generally column 3, lines 66-67; column 4, lines 1-6). Upon receipt of the signal, the transmitter sends data to the receiver (see generally column 4, lines 7-14; column 6, lines 49-67).

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Regarding claim 14, Fraser discloses that the transmitter is for ATM data (see generally column 3, lines 59-61).

Regarding claim 16, Fraser discloses that upon receipt of the trigger, the transmitter sends data after a predetermined time period, said time period being the time it takes for the next trigger (STRB) signal to be generated (see generally column 4, lines 48-55).

Regarding claim 17, Fraser discloses a receiver for receiving data from a transmitter comprising a trigger generation and sending means for indicating that the receiver is ready to receive data and therefore the transmitter is permitted to send data (see generally column 3, lines 66-67; column 4, lines 1-6) and a data receiver for receiving the data sent by the transmitter.

Regarding claim 19, Fraser discloses that the transmitter is for ATM data (see generally column 3, lines 59-61).

Regarding claim 21, Fraser discloses that upon receipt of the trigger, the transmitter sends data after a predetermined time period, said time period being the time it takes for the next trigger (STRB) signal to be generated (see generally column 4, lines 48-55).

Regarding claim 22, Fraser discloses a transmitter for transmitting data to a receiver synchronous with a signal available in the receiver comprising a trigger receiving means for receiving the trigger sent from the receiver indicating that the receiver is ready to accept data (see generally column 3, lines 66-67; column 4, lines 1-6) and a data sender for sending data to the receiver.

Regarding claim 24, Fraser discloses that the transmitter is for ATM data (see generally column 3, lines 59-61).

Regarding claim 26, Fraser discloses that upon receipt of the trigger, the transmitter sends data after a predetermined time period, said time period being the time it takes for the next trigger (STRB) signal to be generated (see generally column 4, lines 48-55).

Regarding claim 27, Fraser discloses a receiver comprising means for sending a trigger signal to a transmitter to indicate that data is needed and means for receiving data from the transmitter when the data is needed (see generally column 3, lines 66-67; column 4, lines 1-6). Fraser further discloses that the receiver is for used in an asynchronous transfer mode system indicating an asynchronous trigger (see generally column 3, lines 59-61).

Regarding claim 30, Fraser discloses that the transmitter is for ATM data (see generally column 3, lines 59-61).

Regarding claim 32, Fraser discloses that upon receipt of the trigger, the transmitter sends data after a predetermined time period, said time period being the time it takes for the next trigger (STRB) signal to be generated (see generally column 4, lines 48-55).

Regarding claim 33, Fraser discloses a transmitter for receiving a trigger signal from a receiver when data is needed and providing data to the transmitter (see generally column 3, lines 66-67; column 4, lines 1-6). Fraser further discloses that the transmitter is for used in an asynchronous transfer mode system indicating an asynchronous trigger (see generally column 3, lines 59-61).

Regarding claim 34, Fraser further discloses that the transmitter buffers the data until the trigger is received (see generally column 5, lines 1-10).

Regarding claim 36, Fraser discloses that the transmitter is for ATM data (see generally column 3, lines 59-61).

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Regarding claim 38, Fraser discloses that upon receipt of the trigger, the transmitter sends data after a predetermined time period, said time period being the time it takes for the next trigger (STRB) signal to be generated (see generally column 4, lines 48-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Gregg. Gregg discloses all of the elements as applied above but does not disclose the transmission of idle data in the event that no data is available in the transmitter. Gregg teaches the generation and transmission of idle characters in a synchronizing circuit in the event no data is being transmitted (see generally column 1, lines 25-27; column 2, lines 40-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the idle character generator taught by Gregg with the teachings of Fraser in order to keep an active communications link.

5. Claims 15, 18, 20, 25, 31, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Kimbrow. Fraser discloses all of the elements as described above but does not specifically point out the use of an ADSL modem or a DSL data stream, but rather focuses on its use with regard to ATM. Kimbrow teaches that ADSL communications require synchronization between a transmitting and a receiving device. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the

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synchronization receiver and method as disclosed by Fraser in an ADSL environment as taught by Kimbrow in order to synchronize transmission between the transmitter and the receiver.

Allowable Subject Matter

6. Claims 28, 29, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art of record does not disclose that the signal does not have a constant frequency as claimed by the applicant.

7. Claims 1-11 are allowed. Prior art of record does not disclose that the signal does not have a constant frequency as claimed by the applicant.

8. Claims 39 and 40 are allowed. Prior art of record does not teach or suggest the method of synchronizing data by sending trigger signals for use in a system comprised of an ATM transmitter and an ADSL receiver.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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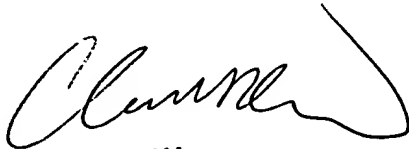
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetria A. Williams whose telephone number is (703) 305-4078. The examiner can normally be reached on Monday - Friday, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

daw
November 8, 2002


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 11/8/02